-4-

Brad A. Barmore
Appl. No. 09/964,805

Remarks

Reconsideration of this Application is respectfully requested. In the specification, paragraphs [0011], [0016], and [0017] have been amended to correct editorial problems. Claims 1-22 are pending in the application, of which claims 1, 10, 15, 17, and 21 are independent. No new matter is embraced by this amendment and its entry is respectfully requested. Based on the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw all outstanding rejections.

Rejection under 35 U.S.C. § 102

The Examiner, on page 2 of the Office Action, has rejected claims 1-22 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,609,170 to Lehwalder *et al.* (hereinafter "Lehwalder"). Applicant respectfully traverses this rejection. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

To anticipate a claim of a pending application, a single reference must disclose each and every element of the claimed invention. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1397 (Fed. Cir. 1986). The exclusion of a claimed element from the single source is enough to negate anticipation by that reference. *Atlas Powder Co. v. E.I. du Pont de Nemours & Co.*, 750 F.2d 1569, 1574 (Fed. Cir. 1984).

With respect to independent claim 1, the Examiner states that Lehwalder teaches Applicants' claimed invention of a riser. Applicant respectfully disagrees. With respect to claim 1, Lehwalder does not teach or suggest at least the following element:

said initialization module to automatically select between a first multi-codec configuration and a second multi-codec configuration based on a codec support capability of the codec controller.

Lehwalder teaches a method and device for managing a group of electrical devices, such as codecs, in a computer system. Unlike the present invention, Lehwalder teaches managing the codecs based on whether an original primary device (*i,e,* original primary codec), is enabled or disabled. *Lehwalder*, Abstract; col. 2, lines 38-50. If the original primary device is disabled, a secondary device is selected as the new primary device. *Id.*

Unlike Lehwalder, the present invention uses an "initialization module to automatically select between a first multi-codec configuration and a second multi-codec configuration based on a codec support capability of the codec controller." Thus, instead of selecting a new primary device based on whether the original primary device is enabled or disabled, the present invention selects a multi-codec configuration based on the codec support capability of the codec controller.

For at least the above reasons, independent claim 1, and the claims that depend therefrom (claims 2-9) are not anticipated by Lehwalder. Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of independent claim 1, and the claims that depend therefrom (2-9).

With respect to independent claim 10, the Examiner states that Lehwalder teaches Applicants' claimed invention of an adaptive initialization module. Applicant respectfully disagrees. With respect to claim 10, Lehwalder does not teach or suggest at least the following element:

said address controller to select a two-codec address structure
when the signal status indicates that the codec controller supports up to

two codecs and a three-codec address structure when the signal status indicates that the codec controller supports up to three codecs.

As previously indicated, contrary to the present invention, Lehwalder teaches managing the codecs based on whether an original primary device (*i,e,* original primary codec), is enabled or disabled. *Lehwalder*, Abstract; col. 2, lines 38-50. Instead, the present invention teaches "select[ing] a two-codec address structure when the signal status indicates that the codec controller supports up to two codecs and a three-codec address structure when the signal status indicates that the codec controller supports up to three codecs." Thus, the selection in the present invention is based on what the codec controller supports and not on whether the original primary codec is enable or disabled (as taught in Lehwalder).

For at least the above reasons, independent claim 10, and the claims that depend therefrom (claims 11-14) are not anticipated by Lehwalder. Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of independent claim 10, and the claims that depend therefrom (11-14).

Independent claims 15, 17, and 21 include similar elements as recited in independent claim 10. Thus, for at least the foregoing reasons, Applicant respectfully submits that independent claims 15, 17, and 21, and the claims that depend therefrom (claims 16, 18-20, and 22, respectively), are not anticipated by Lehwalder. Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of independent claims 15, 17, and 21, and the claims that depend therefrom (16, 18-20, and 22, respectively).

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all currently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

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Dated: June 10, 2004

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